

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KANTO SMAJLAJ,

Plaintiff,

-against-

PRITCHARD INDUSTRIES, INC.,

Defendant.

Docket No.: 18-cv-2243-GBD

**ORDER OF DISMISSAL
WITH PREJUDICE**

WHEREAS, this Court having referred this matter for a mediation, which was held on September 25, 2018, and attended by all parties' and their counsel in the above-captioned matter;

WHEREAS, during the September 25, 2018 mediation, the parties reached an agreement in principle to resolve this matter, which the parties have reduced to writing and submitted to this Court for review and approval;

WHEREAS, this Court having reviewed the settlement agreement, **NOW THEREFORE** upon the joint application of the Plaintiff and the Defendant, by their respective counsel, for entry of an Order of Voluntary Dismissal with Prejudice approving the parties' negotiated settlement in the above-captioned action, and the parties having consented to the entry of this Order; and sufficient cause appearing for the same; after due deliberation;

It is **HEREBY ORDERED** AS FOLLOWS:

1. The parties' settlement has been negotiated in good faith at arm's length by the parties through their respective counsel;
2. The settlement, including the allocation of Plaintiff's recovery and requested attorneys' fees and costs to Plaintiff's counsel, is approved as a fair and reasonable disposition of

the Plaintiff's Fair Labor Standards Act claims, pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 1999 (2d Cir. 2015); and

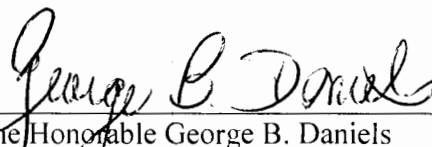
3. Accordingly, this action, and all of the claims asserted herein, is hereby dismissed in its entirety with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2), without an award of costs or fees to any party except as provided for in the parties' settlement agreement.

4. The Court shall retain jurisdiction over this matter solely to enforce the parties' settlement.

SO ORDERED.

Dated: New York, New York

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The Honorable George B. Daniels
United States District Judge